



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 7, 2022

Mr. Anthony G. Stergio
Counsel for the Klein Volunteer Fire Department
Andrew Myers
1885 Saint James Place, 15th Floor
Houston Texas 77056-4110

OR2022-19393

Dear Mr. Stergio:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 957491.

The Klein Volunteer Fire Department (the "department"), which you represent, received a request for time sheets pertaining to two named employees during a specified time period. You claim the requested information is excepted from disclosure under section 552.159 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted representative sample of information.²

Section 552.159 of the Government Code excepts from disclosure "[a] work schedule or a time sheet of a firefighter or volunteer firefighter or emergency medical services personnel as defined by [s]ection 773.003, Health and Safety Code[.]" Gov't Code § 552.159. Upon review, we agree the submitted information consists of work schedules or time sheets that may be subject to section 552.159 of the Government Code. Accordingly, if the named

¹ We note the department did not comply with section 552.301 of the Government Code in requesting a ruling from this office. *See* Gov't Code § 552.301(e). Nonetheless, because section 552.159 of the Government Code can provide a compelling reason to overcome the presumption of openness, we will consider its applicability to the submitted information. *See id.* §§ 552.007, .302, .352.

² We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

individuals are a firefighter or volunteer firefighter or emergency medical services personnel as defined by section 773.003 of the Health and Safety Code, then the department must withhold the submitted information under section 552.159 of the Government Code. However, if the named individuals are not a firefighter or volunteer firefighter or emergency medical services personnel as defined by section 773.003, then the department may not withhold the information pertaining to that individual under section 552.159 of the Government Code. In that instance, the department must release the submitted information.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

Jennifer Copeland
Assistant Attorney General
Open Records Division

JC/jm

Ref: ID# 957491

Enc. Submitted documents

c: Requestor
(w/o enclosures)